

# The Real Property Law Section

<http://www.calbar.ca.gov/rpsection>

STATE BAR OF CALIFORNIA

## STATUS OF PROPOSED LEGAL SPECIALTY CERTIFICATION IN REAL ESTATE LAW

(Submitted by Donald C. Nanney, RPLS Executive Committee)

At its meeting on January 13, 2006, the Board of Legal Specialization (BLS) took up the subject of legal specialization in real estate law. BLS considered the responses received during the public comment period, the majority of which were opposed to the proposal. BLS also considered the report of its Real Estate Consulting Group proposing certain revisions to the pending standards in response to the public comments. The revisions would double from 2,000 to 4,000 the number of work hours needed in at least two of the 13 designated practice areas during the last five years to qualify initially for specialty certification, eliminating the minimum requirement of 300 hours in each of those areas.

BLS seemed ready to approve the proposal as revised and to send it to the State Bar Board of Governors for approval and another public comment period. However, the Board first heard comments from Nargis Choudhry, Chair of the State Bar Real Property Law Section (RPLS), Donald C. Nanney, an officer of the Real Property Section, Los Angeles County Bar Association (LACBA), and Brant Dveirin, a member of the Executive Committee, Real Property Section, LACBA, all of whom stated strong opposition to the proposal, noting the failure of the revisions to deal with the objections that had been formally submitted by RPLS, LACBA and the State Bar Environmental Law Section. A full and frank discussion took place regarding the objection that real estate law is too broad an area for specialty certification and the background and purposes for certification. BLS graciously allowed an extended discussion of the concerns, so long that the BLS was unable to complete its own consideration of the subject in light of its other agenda items for the meeting that day, and the subject was deferred to a future meeting.

Meanwhile, it was informally resolved that, before any further steps are taken to pursue the proposal, there should be additional dialogue between BLS representatives, the RPLS and LACBA. The purpose would be to foster better mutual understanding and perhaps to develop a mutually acceptable proposal that would avoid a confrontation before the Board of Governors.

Carrying out that informal commitment, on February 7, 2006, Michael Ferguson appeared on behalf of the BLS at the Executive Committee Meeting, Real Property Section of LACBA. Mr. Ferguson explained the specialization program and shared the views of the BLS regarding the proposal for real estate law, and he listened to comments and answered questions. On March 3, 2006, representatives of the BLS will attend the RPLS Executive Committee meeting for the same purpose.

At the meetings on January 13 and February 7, there was discussion of a possible alternative of a more narrowly drawn proposal. The key issue for the BLS in that regard, as pointed out by Mr. Ferguson, is the cost of organizing and administering a specialization program, which impels the BLS to define a specialization

area as broadly as feasible so that the program can have enough specialists within the tent paying annual fees to make the program self-supporting economically. Thus, it will need to be resolved whether a more narrowly drawn proposal would be large enough to work from the BLS point of view and focused enough to make sense from the RPLS point of view.

It remains to be seen what will become of the pending proposal. Will it go forward for a fight before the State Bar Board of Governors? Will it be modified sufficiently to gain RPLS support or non-opposition? Stay tuned. In the meantime, if you would like to have more details about the ongoing discussion and issues, please check the RPLS website at [www.calbar.ca.gov/rpsection](http://www.calbar.ca.gov/rpsection), where you are also encouraged to make your views known on the discussion board located on the members only portion of the website.

## SUBSECTION NEWS

### Re-Activation of the Zoning and Land Use—Northern California Sub-Section

The Northern California arm of the Real Property Law Section's Zoning and Land Use Subsection was re-activated last year and invites inquiries and participation by all interested members of the Section. The newly re-activated Subsection North organized and presented a program at the 2005 State Bar annual meeting in October: "Use of the Polanco Act in Brownfields Redevelopment." The Subsection-North intends to develop more items of interest to the zoning and land use community throughout Northern California, including education presentations, publications, email/newsletters and other information exchanges. The Co-Chairs of the Subsection (North) are John K. Chapin, of Continuing Education of the Bar in Oakland, and Robert A. Laurie, of Cameron Park.

The Zoning and Land Use Subsection (North) now serves as a forum for attorneys to exchange information and views on legal issues involving zoning and land use regulations, planning and development. The Subsection-North is planning periodic continuing education programs focused on contemporary topics of concern to land use practitioners, including a program in Spring 2006, and invites program suggestions and participants. The Subsection-North is also looking to develop and support the submission of articles on timely zoning and land use topics for publication in the Real Property Law Journal.

### Subsection Leadership Conference

The Subsection Leadership Conference and Dinner with the Executive Committee is scheduled for April 27th at the Hyatt Regency in Huntington Beach. The Subsection Leadership Conference will be held in conjunction with the 25th Anniversary Event of the Annual State Bar Real Property Law Section Retreat. The Conference provides subsection leadership with an opportunity to develop new skills and ideas for keeping the subsections active while getting to know the executive committee and other subsection leaders.

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#### New South Chair

There is a new chair for Residential Landlord Tenant - South. His name is Barry L. O'Connor. Kudos to Executive Committee member Helaine Ashton for her wonderful work with this subsection both prior to and since joining the Ex Comm.

#### CALIFORNIA HOUSING AND MORTGAGE RATE STATISTICS (FROM THE CALIFORNIA ASSOCIATION OF REALTORS NEWSLINE)

Calif. median home price - Dec. 05: \$548,430 (Source: C.A.R.)  
Calif. affordability index - Nov. 05: 14 percent (Source: C.A.R.)  
Calif. highest median home price by C.A.R. region Dec. 05:  
Santa Barbara So. Coast \$1,300,000 (Source: C.A.R.)

Calif. lowest median home price by C.A.R. region Dec. 05:  
High Desert \$320,490 (Source: C.A.R.)  
Mortgage rates - week ending 2/9/06:

30-yr. fixed: 6.24%; Fees/points: 0.6%  
15-yr. fixed: 5.83%; Fees/points: 0.6%  
1-yr. adjustable: 5.34%; Fees/points: 0.5%  
(Source: Freddie Mac)

**Make Plans Now to Attend the 25<sup>th</sup> Anniversary Retreat of the Real Property Law Section!!** The Retreat will be held at the Hyatt Regency Huntington Beach Resort & Spa in Huntington Beach on **April 28-30, 2006**, and will feature informative and practical CLE opportunities as well as fun social events with your fellow real estate practitioners.

#### Retreat Dates to Remember:

March 31 Hotel Reservation Deadline  
April 10 Early Registration Deadline (Special Discounted Rate)  
April 21 Pre-Registration Deadline

Register online today at: [www.calbar.ca.gov/rpsection](http://www.calbar.ca.gov/rpsection)